

Remarks/Arguments

Interview

The examiner, one of the inventors John Addink, Sylvan Addink, Kirk Buhler, Robert Fish, and Mitch Milstein engaged in a telephone interview on June 2, 2004. The participants discussed prior art and claim language. No conclusion was reached as to allowability

35 U.S.C. § 103

Claims 1-15 were rejected as being unpatentable over Morgenstern et al. (U.S. Patent No. 5,839,660) (Morgenstern) in view of McCabe et al. (U.S. Patent No. 6,453,216) (McCabe) or Morgenstern in view of McCabe and further in view of Oliver et al. (U.S. Patent No. 5,870,302) (Oliver). The applicant respectfully requests reconsideration based on the amendments made herein to claim 1 pursuant to the phone interview on June 2, 2004.

Support for the term "recalculate" comes from the first full paragraph of page 6 of the specification, among other places. The cited portion of the specification states, "Figure 7 is a comparison between actual ETo values and ETo values determined according to the present invention". It should be clear from this language that the ETo is recalculated. In construing the term "recalculate", however, one of ordinary skill in the art will understand that original calculation of ETo is not necessarily performed by the microprocessor recited in claim 1.

Support for the term "calculate an irrigation schedule" comes from the first paragraph of page 4, among other places. That portion of the specification states, "...using the current ETo to determine the watering schedule...". Determining the watering schedule necessarily involves calculating.

The references, even if combined, fail to teach or suggest applying a current value for an environmental factor to the regression model to recalculate a current evapotranspiration. As discussed in the phone interview, Morgenstern may use a current value for an environmental factor to interrupt watering (column 3, lines 38-42), but it fails to use such a value to recalculate a current ETo. McCabe is directed toward a method of maximizing the contribution of rainfall by delaying the watering process when rain is predicted. While rainfall may be an environmental

factor, McCabe is concerned with predicted rainfall, not a current value for rainfall. Moreover, McCabe certainly does not teach or suggest using any current value to recalculate a current evapotranspiration.

Conclusion

Based on the failure of the references to teach or suggest each and every claim limitation of amended claim 1, the obviousness rejection of claims 1-15 has been traversed. The applicant submits that all claims are now in condition for allowance.

Respectfully submitted,

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